



City of San Antonio

Agenda Memorandum

Agenda Date: June 16, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon, Director

CASE NUMBER: BOA-25-10300044

APPLICANT: Oscar Cruz

OWNER: Oscar Cruz

COUNCIL DISTRICT IMPACTED: District 3

LOCATION: 1603 Steves Avenue

LEGAL DESCRIPTION: Lot 15, Block 116, NCB 3386

ZONING: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

CASE MANAGER: Joel Vela, Senior Planner

A request for

1) A 4'-11" side setback variance from the minimum 5' setback requirement to allow an addition to be 1" from the side property line.

Section 35-310.01

Executive Summary

The subject property is located east of South Hackberry Street and Steves Avenue intersection within the Highland Park Neighborhood Association in an area designated for Urban Low Density Residential land use. An addition was constructed on the side of the principal structure with a 1-inch side setback. A Code Compliance investigation for building without a permit was closed after the applicant was directed to apply for the appropriate permits. The applicant will obtain a permit pending the outcome of the Board of Adjustment.

Code Enforcement History

INV-FYP-25-2770005729 – April 25, 2025 – Parking in the yard – Pending with Code Compliance
INV-PBP-25-3100001319 – March 10, 2025 – Building without a permit – Closed

Permit History

The applicant has not yet applied for the building permit.

Zoning History

The subject property was part of the original 36 square miles of the City of San Antonio and was zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District was converted to the current “R-4” Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Two-Family Dwelling

South

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

East

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

West

Existing Zoning

“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the Southeast Community Area Plan and is designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the notification area of Highland Park Neighborhood Association, and they have been notified of the request.

Street Classification

Steves Avenue is classified as a Secondary Arterial Type B.

Piedmont Avenue is classified as a Local Street.

Criteria for Review – Side Setback

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. The variance is not contrary to the public interest.

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by adequate side setback for the addition. Staff finds that this is not contrary to the public interest as adequate space exists between the property line and the street.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

A literal enforcement of the side setback ordinance would not result in unnecessary hardship, as sufficient space exists between the property line and the street.

3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.

The requested side setback variance appears to be in the spirit of the ordinance, as sufficient space will remain for pedestrian right of way.

4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.

No uses other than those allowed within the district will be allowed with this variance.

5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.

Staff finds that the side setback variance would not substantially injure the appropriate use of adjacent properties or alter the essential character of the district, as it abuts a right-of-way and substantial space exists from the property line to the street.

6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the

owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

Staff finds unique circumstances existing on the property for the side setback variance, as the right-of-way largely takes up the side of the dwelling unit.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Side Setback standards of the UDC Section 35-310.01.

Staff Recommendation – Side Setback

Staff recommends Approval in BOA-25-10300044 based on the following findings of fact:

1. Adequate space exists between the property line and the street.
2. The right-of-way largely takes up the side of the dwelling unit.